

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE ANDY JEAN,
Petitioner.

Case No. [24-cv-03092-JST](#)

ORDER OF DISMISSAL

On May 22, 2024, the Court docketed a handwritten letter from Petitioner alleging that there had been an error in his abstract of judgment in the case, *People v. Jean*, 23-cr-XXXX. ECF No. 1. The Court opened a habeas action pursuant to this filing. That same day, the Court sent Petitioner deficiency notices, instructing Petitioner that he was required to (1) file his petition on the proper form, and (2) either pay the \$5 filing fee or file an application for leave to proceed *in forma pauperis*. ECF Nos. 2, 3. Petitioner was also informed that a failure to correct these deficiencies by June 20, 2024, would result in the action being dismissed. *Id.* The Court sent Petitioner a blank petition form and a blank *in forma pauperis* application form. *Id.*

The deadline has passed and while Petitioner has filed an *in forma pauperis* application, he has not filed a habeas petition on the proper form. This action cannot proceed without a signed petition on the proper form. Accordingly, this action is DISMISSED for failure to file a signed petition on the proper form. The dismissal is without prejudice to Petitioner filing a motion to reopen the action. Any motion to reopen must be accompanied by a signed petition on the proper form.

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1 The Clerk shall enter judgment against Petitioner, terminate all pending motions as moot,
2 and close the case.

3 **IT IS SO ORDERED.**

4 Dated: September 12, 2024

5 
6 JON S. TIGAR
United States District Judge

United States District Court
Northern District of California